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June 2, 2020

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk / Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

Re: Blue Granite Water Company Providing Notice Pursuant S.C. Code Ann.
Regs.103-514(C) (Interruption of Service/Violation of Rules)
Docket No. 2020-23-S

Dear Ms. Boyd:

Blue Granite Water Company (the "Company") is filing for the Commission's information, pursuant to S.C. Code Ann. Regs. 103-514(C), the attached Consent Order between the Company and the S.C. Department of Health and Environmental Control. The Consent Order pertains to an isolated incident that has ended, and the Company is complying with the terms of the Consent Order, including preparing a plan to prevent such incidents in the future.

A copy of this filing is being provided to the Office of Regulatory Staff.

Kind regards,

Sam Wellborn

SJW:tch

Enclosures

cc w/enc: Parties of Record (via email)
Donald H. Denton, President (via email)
Dante Destefano, Financial Planning & Analysis Manager (via email)



May 21, 2020

FIRST CLASS and
CERTIFIED MAIL – 9214 8969 0099 9790 1417 5147 36

Ms. Rebecca Coates, Compliance Manager
Blue Granite Water Company
130 South Main Street
Suite 800
Greenville, SC 29601

Re: **Consent Order 20-016-W**
Blue Granite Water Company/Friarsgate WWTF
NPDES Permit SC0036137
Lexington County

Dear Ms. Coates:

Enclosed, please find fully executed Consent Order 20-016-W for the above referenced facility. The Order is considered executed on May 21, 2020.

If you have any questions, please contact me at (803) 898-1768 or by e-mail at shawah@dhec.sc.gov.

Sincerely,

Anastasia Shaw, Enforcement Project Manager
Bureau of Water - WP Control Division
WP Enforcement Section

cc: Melanie Hindman, SCDHEC, WP Compliance and Enforcement Section
Verónica Barringer, SCDHEC, EA Midlands Region
Brenda Green, SCDHEC, Water Facilities Permitting
Sonya Johnson, SCDHEC, EA Midlands Region
Rita Bolt Parker, Esq., Wyche
Stephen Hightower, Esq., SCDHEC, Office of General Counsel

Attachment as stated

RECEIVED
JUN 01 2020
BLUE GRANITE WATER COMPANY

**THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**IN RE: BLUE GRANITE WATER COMPANY
FRIARSGATE WWTF
LEXINGTON COUNTY**

CONSENT ORDER

20-016-W

Blue Granite Water Company (Blue Granite) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located off Irmo Drive in Lexington County, South Carolina. The WWTF serves the residences of the Friarsgate subdivision.

Blue Granite violated the Pollution Control Act and the conditions of National Pollutant Discharge Elimination System (NPDES) Permit SC0036137 in that it failed to properly dispose of sludge from the WWTF and discharged sludge and untreated wastewater into the environment, including waters of the state, in a manner other than in compliance with a permit issued by the South Carolina Department of Health and Environmental Control (Department).

The Department and Blue Granite concur that in the interest of resolving this matter without delay and expense of litigation, Blue Granite agrees to the entry of this Consent Order, but neither agrees with nor admits the Findings of Fact or the Conclusions of Law; and therefore, agrees that this Order shall be deemed an admission of fact and law only as necessary for enforcement of this Order by the Department or subsequent actions relating to Blue Granite by the Department.

FINDINGS OF FACT

1. Blue Granite owns and is responsible for the proper operation and maintenance of a WWTF located off Irmo Drive in Lexington County, South Carolina. The WWTF serves the residents of Friarsgate Subdivision.
2. The Department issued NPDES Permit SC0036137, effective February 1, 2000, authorizing Blue Granite to discharge treated wastewater from the WWTF into an unnamed tributary to the Saluda River, in accordance with effluent limitations, monitoring requirements, and other permit conditions contained therein. The permit expired on September 30, 2004. Blue Granite continues to operate under the expired permit as it completes closure of the WWTF. All wastewater is treated by the City of Columbia's WWTF.
3. On June 28, 2017, the Department issued Construction Permit Number 40400-WW to Blue Granite for the installation of a 1.7 million gallon temporary equalization (EQ) basin with associated pumps and piping.
4. On July 6, 2017, and July 12, 2017, the Department issued Blue Granite a Partial Approval to Place into Operation for the temporary EQ basin and associated pumps and piping referenced in Construction Permit Number 40400-WW.
5. In a letter dated August 9, 2017, the Department issued a phased EQ basin dewatering and sludge dewatering and disposal approval to Blue Granite for the WWTF. Among other things, the approval letter stated, "The permittee is responsible for the hauling, transportation, and disposal of all sludge from the source transported to the approved disposal site. The responsibility is not limited to spills, accidents, unauthorized leaks or other hazards which may occur."

6. On September 27, 2019, Blue Granite and the Department entered into Consent Order 19-060-W as a result of Blue Granite's failure to properly dispose of sludge from its WWTF. Blue Granite complied with the terms of the Consent Order and the Consent Order was closed on October 22, 2019.
7. In an electronic mail message (email) to Department staff dated November 21, 2019, Blue Granite informed the Department that, due to the amount of sludge in the bottom of the temporary EQ basin, it would be disposing of the sludge in a certified landfill. Blue Granite stated the sludge removal was scheduled to begin on December 9, 2019. Department staff responded to Blue Granite via email, reminding Blue Granite to submit to the Department for approval a request for sludge removal/transportation, including a letter of acceptance from the receiving facility, prior to any sludge removal or transportation from the WWTF.
8. On December 13, 2019, in response to a complaint, Department staff observed untreated wastewater overflowing from the manhole located at 119 Chapelwhite Road. Department staff observed the wastewater from the manhole entering Rawls Creek. Department staff documented the observations with photographs and a video recording of the event. Blue Granite posted a sanitary sewer overflow public notification to alert its customers of the overflow.
9. Also on December 13, 2019, Department staff visited the WWTF. Department staff observed the temporary EQ basin was partially dismantled, with the steel plate walls removed and sludge remaining on the liner. Department staff observed rainwater and sludge being discharged from the liner and entering Rawls Creek. Department staff documented the observations with photographs and a video recording of the event.

10. Also on December 13, 2019, Department staff observed a hose connecting the temporary EQ basin liner and the pump station that sends the wastewater from the WWTF to the City of Columbia's collection system. The installation of the hose was not approved by the City of Columbia or the Department. Department staff documented the observation with photographs.
11. On January 16, 2020, Department staff issued a Notice of Alleged Violation/Notice of Enforcement Conference to Blue Granite.
12. On February 28, 2020, Department staff held an enforcement conference with agents for Blue Granite to discuss the violations cited above. Agents for Blue Granite stated Blue Granite performed clean-up measures as quickly as feasible. Agents for Blue Granite stated Blue Granite allocated funds for capital improvements over the next four (4) years, to include line cleaning and inspections. Agents for Blue Granite stated Blue Granite installed flow meters in the collection system and manhole pans in manholes located in low-lying areas. Agents for Blue Granite stated Blue Granite installed a supervisory control and data acquisition system to assist with more accurate and faster notification and response to overflows.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact the Department reaches the following Conclusions of Law:

1. Blue Granite violated the Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (2008 & Supp. 2019), and Water Pollution Control Permits Regulation, S.C. Code Ann. Regs. 61-9.505.41(a) (2011) and Part III. D of the Permit in that it failed to properly dispose of sludge from the WWTF.

2. Blue Granite violated the Pollution Control Act, S.C. Code Ann. § 48-1-90(A)(1) (2008 & Supp. 2019), in that it discharged sludge and untreated wastewater into the environment, including waters of the state, other than in compliance with a permit issued by the Department.
3. The Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), provides for a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day of violation for any person violating the Act or any rule, regulation, permit, permit condition, final determination, or Order of the Department.

NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED, pursuant to the Pollution Control Act, S.C. Code Ann. §§ 48-1-50 and 48-1-100 (2008 and Supp. 2019), that Blue Granite shall:

1. Within thirty (30) days of the execution date of this Order, submit to the Department a detailed plan addressing prevention of unauthorized discharges of wastewater and/or sludge during decommissioning from any Blue Granite WWTF subject to undergoing future decommissioning because of interconnection, including Glenn Village II, Smallwood, Watergate, Briarcreek II, and Roosevelt Gardens.
2. Within thirty (30) days of the execution date of this Order, pay to the Department a civil penalty in the amount of fifty-two thousand five hundred sixty-two dollars and fifty cents (\$52,562.50).

PURSUANT TO THIS ORDER, all communications regarding this Order and its requirements, including civil penalty payments, shall include the Order number and be addressed as follows:

Anastasia Shaw, Enforcement Project Manager
 SCDHEC - Bureau of Water
 WP Enforcement Section
 2600 Bull Street
 Columbia, S.C. 29201

IT IS FURTHER ORDERED AND AGREED that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to the Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), to include the assessment of additional civil penalties.

IT IS FURTHER ORDERED AND AGREED that this Consent Order governs only the civil liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and Blue Granite Water Company with respect to the resolution and settlement of these civil matters. The parties are not relying upon any representations, promises, understandings or agreements except as expressly set forth within this Order.

THE PARTIES UNDERSTAND that the "execution date" of the Order is the date the Order is signed by the Director of Environmental Affairs.

[Signature Page Follows]

FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL




Myra C. Reece
Director of Environmental Affairs

Date: 05/21/2020



James M. Marcus, PhD, Chief
Bureau of Water

Date: 05/21/2020



Randy Stewart, Director
Water Pollution Compliance and Enforcement Division
Bureau of Water

Date: 5/21/2020

Reviewed By:



DHEC Legal Counsel

Date: 5-21-2020

WE CONSENT:

BLUE GRANITE WATER COMPANY



Rebecca Coates, Compliance Manager

Date: 05/14/20



2600 Bull Street
Columbia, SC 29201

Return Service Requested

Water Pollution Compliance & Enforcement

Ms. Rebecca Coates, Compliance Manager
Blue Granite Water Company
130 South Main Street
Suite 800
Greenville, SC 29601

neopost#
05/26/2020

US POSTAGE



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JUN 01 2020
BLUE GRANITE WATER COMPANY

5/28/20 10:15

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